

Criminal Justice Oversight Committee

Minutes of the April 30, 2009 Meeting

A meeting of the Criminal Justice Oversight Committee (CJOC) took place on this date at the RI Department of Corrections, 40 Howard Avenue, Cranston, RI.

Chairman's Welcome

Chairman Jackvony welcomed everyone and opened the meeting at 8:35 AM. Introductions took place.

Attendance

Bernard A. Jackvony, Esq., Chair

Ellen Evans Alexander, Esq., designee for Director A.T. Wall

Presiding Justice Joseph Rodgers, Jr.

Stacey Veroni, designee for Attorney General Patrick Lynch

Michael DiLauro, designee for Public Defender John Hardiman

Lisa Holley, designee for Colonel Brendan Doherty

Peg Langhammer, Day One

Jeffrey Renzi, RIDOC

Erin Boyar, RIDOC

Thomas Mongeau, Public Safety Grant Administration Office

Kathleen Loiselle, Public Safety Grant Administration Office

Approval of October 16, 2008 Minutes

Ellen Evans Alexander requested that the words at the Intake Service Center be added following the number 3,385 on Page 2, Paragraph 2, and 3rd line down.

There being no other changes, Justice Rodgers made a motion:

**TO ACCEPT THE OCTOBER 16, 2008 MINUTES
AS CORRECTED.**

The motion was seconded by Ellen Evans Alexander and was unanimously passed.

Population Update

Erin Boyar distributed a RIDOC Population Update document as of April 2009. She advised that the prison population has decreased although the general trend had been up over the past few years. Ms. Boyar pointed out that the population is less for FY09 and has shown a 2% drop since FY08. She noted that a dip in population occurs in the winter months than begins to increase in July, August and September. Ms. Boyar advised that FY09 is not showing an upward population trend and, in fact, is still dropping month after month. She added that the population has decreased every month and has decreased by 157 inmates since November 2008.

Ms. Boyar stated that with respect to the impact of Sentenced

Commitments and Releases on the Sentenced Population that if the number of inmates coming into the RIDOC exceeds the number going out the population increases and vice versa. She added that the general trend is down with a few more people going out than coming in. With regard to the Impact of Awaiting Trial Commitments and the Releases on the Awaiting Trial Population the numbers are not extraordinarily low. Currently the RIDOC is in the high 600,000's -700,000's which is fairly average.

Ms. Boyar pointed out that the total number of commitments since 2007 are low. In 1997 there were 14,939 commitments, almost 19,000 in 2007 and in 2009 16,381 commitments. Ms. Boyar noted that the RIDOC is not exceeding federal capacity in any of its facilities. As of April, 2009, the total population is about 86.5% of Federal Capacity.

Between October 2008 and January 2009, the Intake Service Center South exceeded Federal Court Ordered capacity on one day in November 2008 and Intake Service Center North exceeded Federal Court Ordered capacity on one day in December 2008. Ms. Boyar noted that the RIDOC total population reached an all time high of 4000 on September 16, 2007.

Ms. Boyar pointed out the difference in the FY09 total population numbers before and after the passage of the Corrections Options legislation which took effect in July 2008. She stated that as of April 2009, the RIDOC population is 304 inmates lower than what it would

have been without the implementation of Corrections Options. The RIDOC is tracking within 1.7% of their projected prison population for FY09. Ms. Boyar stated that JFA Associates redid their forecast based on the Good Times forecast projections. Their projections were much lower than what they would have been if the Correctional Options legislation had not passed.

As of April 2009, the RIDOC Sentenced Population is 283 inmates lower than what it would have been without the passage of the Corrections Options legislation. Ms. Boyar described the impact on the total population projections for FY2005 to FY2018 before and after Corrections Options passage. She noted that the projections show a 27% increase from FY09 to FY18 without the Corrections Options and a 21% increase from FY09 to FY18 with the Corrections Options. This drop in numbers has contributed to the decrease in the prison population.

Ms. Boyar pointed out that the length of stay has also decreased significantly. The Good Times options are available to those inmates serving 30 days or more. If inmates take and complete programs they get more time off so the length of time a person is staying is less than the amount of time sentenced. In terms of the Sentenced Population the number of sentenced commitments in FY09 is similar to FY08 however the length of stay for sentenced inmates has decreased. The numbers of Pre-Trial Commitments in the first 9 months of FY09 are lower than the numbers for FY08, but the Pre-Trial inmate stay

has remained almost the same. Those inmates who have been released to parole supervision have increased slightly since FY08. Prior to FY08 there were 35-36 releases per month; and now there are approximately 50 per month.

In addition, the population decrease has been affected by the impact of the “Cash Bail” legislation which became effective July 1, 2008. This legislation eliminated the judges’ option to impose cash bail and big changes resulted. The average length of stay for offenders bailed out on cash was 2 days while those bailed out on Surety stayed an average of 8 days. This has resulted in a decrease in the Awaiting Trial Commitments.

In summary, Ms. Boyar stated that:

FY09 average total population is 3788, an almost 2% decrease from FY08;

To date in FY09 there has been a 4% decrease in the average total population;

Since Nov. 08, the sentenced population has decreased 2.7% (87 inmates less);

Since Oct. 08, the pre-trial population has decreased 10.8% (85 inmates less);

Total commitments per year have been dropping since 2008;

As a result of decreased population all facilities are operating below federal capacity;

The impact of Correctional Options (increased good time) is most

likely the

prime contributor to the decreased population as length of stay decreased

significantly among almost all sentence length groups;

Projected population this year is close to 200 inmates less than it would have

been without corrections options.

Discussion of 2008 Correctional Options Impact

Responding to a question from Lisa Holley, Ms. Boyar stated that correctional options will impact less on the longer sentenced population verses the shorter sentenced population.

Mike DiLauro asked how difficult it would be to tease out the impact of other Corrections legislation to show how or if those pieces of legislation have impacted the population numbers.

Ms. Boyar responded that those pieces of legislation have decreased the population in terms of failure to appear and failure to pay costs and fines. She noted that the Family Life Center in Providence using DOC data looked at the numbers of failure to appear and failure to appear for a bail hearing and noted that costs played a factor in individuals not appearing. Ms. Boyar noted that the numbers of failure to appear cases have also decreased from 32% in FY07 to 29% in FY08 to 21% in FY09. She added that without analyzing the data

she believes the legislation has brought down the number of people coming in on warrants.

Mr. DiLauro inquired if that data could be made available at the next meeting.

Ms. Boyar stated that she was uncertain at this time if this could be accomplished. She added that she would need a copy of the passed pieces of legislation to make a comparison.

Mr. DiLauro agreed to send Ms. Boyar summaries of the relevant legislation.

Ms. Boyar stated that she was uncertain if this information is in the DOC database and if this analysis could be accomplished.

Chairman Jackvony noted that he had received a request from Senator Levesque and Representative O'Neill to meet with him and Director Wall to discuss what the CJOC Working Group had accomplished. He stated that they would meet sometime before the end of this General Assembly session. Mr. Jackvony pointed out that based on today's meeting we can see the positive impact of the Corrections Options legislation on the decreased population numbers. He asked if a short analysis could be prepared for Senator Levesque and Rep. O'Neill along with any input from CJOC members.

Justice Rodgers commented that it is good that Senator Levesque and Representative O'Neill are supportive of the overcrowding conditions at the RIDOC. He asked that they be given as much information as possible so that they will continue to support this important endeavor.

Chairman Jackvony asked Ellen Alexander to ask Director Wall for more information.

Ellen Alexander suggested that perhaps Erin Boyar could provide today's presentation to the legislators. She added that a presentation can be much more effective than numbers provided in a letter.

Chairman Jackvony asked that a letter be prepared to both legislators for his and Director Wall's signature. The letter should state that they are looking forward to meeting with them and provide a summary of the population numbers without actually providing a presentation. Mr. Jackvony asked Ms. Alexander to discuss this with Director Wall.

Mr. DiLauro pointed out that Rep. O'Neill sponsored the Court Costs legislation last year and that his efforts should be applauded.

Conclusions

Ellen Alexander on behalf of Director Wall, thanked the CJOC for their efforts in helping to get the Corrections Options legislation passed. She added that working as a group had accomplished more than working individually. Ms. Alexander pointed out that the population numbers are dropping and prison is being reserved for those that really need to be kept away from the public.

Ms. Alexander stated that a representative from the Pew Center on the States would like to come to Rhode Island to make a presentation to a broad based group. The Pew Center on the States is a research organization that works with states to advance fiscally sound, research-based sentencing and corrections policies, practices that protect public safety, hold offenders accountable and control costs. Ms. Alexander noted that currently in RI 27,000 individuals are on probation, and 400 are on parole. She added that the states of Arizona and Nevada have just passed legislation using the idea of earned compliance time to probationers and parolees. Ms. Alexander asked if the CJOC is interested in hearing what is being accomplished nationwide.

Chairman Jackvony opened the question up for discussion and for Director Wall's consideration.

Lisa Holley responded that she was familiar with the PEW organization and believed it would be important to hear their presentation because this could impact the population in the future.

She added that the group would present model legislation and would also provide consultants.

Justice Rodgers suggested that legislative participation would also be helpful. He noted that judges are restricted as to what they can do because of existing statutes.

Lisa Holley asked if the CJOC Working Group should be invited to the presentation.

Chairman Jackvony asked who should be invited to the presentation.

Ellen Alexander suggested that the invitees should include the CJOC and Working Group, representation from the Governor's Office, and legislators.

Justice Rodgers noted that the most recent PEW report was most favorable to Rhode Island. The report stated that more people in RI are on probation, but it was pointed out that that means there are less people incarcerated.

Chairman Jackvony asked how many individuals are on parole and how long is their probationary period.

Erin Boyar responded that there are 400 individuals on parole and the average probationary period is 5 years. She added that Rhode Island

has the 4th highest rate for community supervision in the country per 1,000 people.

Chairman Jackvony stated that the Courts should also be included in the presentation and he would leave it to Director Wall and DOC staff to follow through with arrangements regarding the PEW Center.

Justice Rodgers noted that the Governor's office and the legislators should be involved.

Ellen Alexander stated this was a helpful way to start the conversation and to ensure that all stakeholders are at the table.

Chairman Jackvony asked Ellen to be in touch with Chris Long and propose the PEW Center presentation information to him.

Ellen Alexander agreed to do so.

Lisa Holley noted that the PEW report could be found on the Internet at pewcharitabletrusts.org.

Chairman Jackvony stated that the CJOC should be proud of what it has accomplished.

Adjourn

There being no further business to discuss, Justice Rodgers made a motion:

THAT THE MEETING BE ADJOURNED.

The motion was seconded by Stacey Veroni and was unanimously passed. The meeting was adjourned at 9:25 A.M.

Respectfully submitted,

Kathleen M. Loiselle

Recording Secretary

Approved:

Thomas H. Mongeau

Administrative Manager